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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC

This document relates to:

ALL ACTIONS

**DECLARATION OF DAVID J. KO IN
SUPPORT OF PLAINTIFFS' MOTION
FOR SANCTIONS**

Judge: Hon. Vince Chhabria

UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

I, David J. Ko, declare and state as follows:

1. I am a partner at the law firm of Keller Rohrbach L.L.P. My firm is co-lead counsel to plaintiffs in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, No. 18-md-02843-VC (N.D. Cal.). I am a member in good standing of the bar of the State of Washington and am admitted *pro hac vice* in the above-captioned matter.

2. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently to them.

3. This declaration is made in support of Plaintiffs' Motion for Sanctions.

4. On March 30, 2022, I along with my partner Derek W. Loeser met and conferred with counsel for Facebook regarding "Facebook, Inc.'s Responses and Objections to Plaintiffs' Second Amended Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6)." These Responses and Objections to Plaintiffs' Rule 30(b)(6) deposition notice were served on Plaintiffs on March 29, 2022.

5. Because the notice was a topic the parties intended to address at the Case Management Conference before the Court on March 30, 2022, the parties discussed the Responses and Objections as Facebook had previously represented it would not resist any further efforts by Plaintiffs to conduct Rule 30(b)(6) deposition notices.

6. The conference took place before the Case Management Conference.

7. Facebook's counsel characterized its Responses and Objections to Plaintiffs' Rule 30(b)(6) deposition notice as "really nothing" and "boilerplate." Counsel for Facebook further did not identify any substantive objections, including regarding scope, during this conference.

8. It was not until the first Rule 30(b)(6) deposition on May 5, 2022 of Allison Hendrix that Facebook's counsel claimed it was disputing the scope of certain topics in Plaintiffs' Rule 30(b)(6) deposition notice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of August 2022, in Seattle, Washington.

By: /s/ David Ko
David Ko

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)

I, Lesley E. Weaver, attest that concurrence in the filing of this document has been obtained from the signatory. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of August, 2022, at Oakland, California.

/s/ Lesley E. Weaver

Lesley E. Weaver